

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 20-cr-20162-1
Honorable Linda V. Parker

HASSAN ABDALLAH, R.Ph.,

Defendant.

**OPINION AND ORDER DENYING DEFENDANT HASSAN ABDALLAH'S
MOTION UNDER FEDERAL RULE OF CRIMINAL PROCEDURE 35(a)
(ECF NO. 407)**

On January 19, 2021, Defendant Hassan Abdallah pleaded guilty pursuant to a Rule 11 agreement to one count of conspiracy to commit health care fraud and wire fraud. (ECF No. 80.) Abdallah cooperated with the Government and testified against four of his co-conspirators who went to trial in August 2024. On February 6, 2025, this Court sentenced Abdallah to a term of imprisonment of 48 months. (See ECF No. 396.) A Judgment and Amended Judgment were entered on February 13 and 18, 2025, respectively. (ECF Nos. 393, 396.)

In a motion filed on March 4, Abdallah contends that his sentence must have been based on an arithmetical or other clear error as the Court's approximate 50% reduction from the applicable guideline range (97 to 108 months) was, he believes, insufficient when compared to the reduction provided to his co-conspirators. (ECF

No. 407.) He therefore moves for a “correction” of his sentence under Rule 35(a) of the Federal Rules of Criminal Procedure. The Government opposes the motion. (ECF No. 416.)

Rule 35 provides, in relevant part: “Within 14 days after sentencing, the court may correct a sentence that resulted from arithmetical, technical, or other clear error.” Fed. R. Crim. P. 35(a). “For purposes of this rule, ‘sentencing’ is defined as ‘the oral announcement of the sentence.’” *United States v. Hall*, 661 F.3d 320, 322 (6th Cir. 2011) (quoting Fed. R. Crim. P. 35(c)). A district court lacks jurisdiction to resentence a defendant pursuant to Rule 35(a) “beyond the fourteen-day limitation period[.]” *Id.* (citing *United States v. Vicol*, 460 F.3d 693, 696 (6th Cir. 2006)).

As set forth above, the Court orally announced Abdallah’s sentence on February 6, 2025. The fourteen-day window to resentence him under Rule 35(a) expired on February 20. The Court is without jurisdiction to “correct” his sentence, even if it found such correction warranted. In fact, it does not.

Accordingly,

IT IS ORDERED that Abdallah’s motion (ECF No. 407) is **DENIED**.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: March 31, 2025